



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,343	02/29/2004	Barbara J. Churchill	YOR920030542US1 (590.124)	9404
35195 7590 03/06/2007 FERENCE & ASSOCIATES 409 BROAD STREET PITTSBURGH, PA 15143			EXAMINER ARTHUR JEANGLAUD, GERTRUDE	
			ART UNIT 3661	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS			MAIL DATE 03/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/790,343

Applicant(s)

CHURCHILL ET AL.

Examiner

Gertrude Arthur-Jeanglaude

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/10/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Naboulsi (U.S. Pub No. 20040209594).

As to claims 1, 12, 13, 24-26, Naboulsi discloses a system, method and program storage device for ensuring driver safety in a vehicle comprising an arrangement for communicating with a plurality of systems(sensors, controller) impacting driver safety; the communicating arrangement being adapted to receive, from the plurality of systems(sensors, controller) impacting driver safety, information on current conditions relevant to driver safety (See abstract); an arrangement for evaluating whether driver safety is at risk, based on information received by the communicating arrangement; and an arrangement for performing operations to ensure driver safety, responsive to the evaluating arrangement (See abstract; paragraph 0035).

As to claims 2, 14, Naboulsi discloses the evaluating arrangement is adapted to evaluate at least one of potential risk factors external to the driver (See paragraph 0018, 0051).

As to claims 3, 15, Naboulsi discloses the arrangement for performing operations is adapted to perform at least one of: minimizing driver distraction (See paragraph 0006).

As to claims 4, 16, Naboulsi discloses the communicating arrangement is adapted to communicate with at least one of: systems internal to the vehicle (sensor communicating steering member internal See paragraph 0007) and systems external to the vehicle (See paragraph 0040).

As to claims 5, 17, Naboulsi discloses the communicating arrangement is adapted to communicate with systems (computer, telephone) associated with at least one other vehicle (See paragraph 0052); (See also paragraph 0040 for proximity with one other vehicle).

As to claims 6, 18, Naboulsi discloses the system for ensuring driver safety comprises at least one of a computer system (11) physically associated with the vehicle (See paragraph 0052).

As to claims 7, 19, Naboulsi discloses the communicating arrangement is adapted to communicate with at least one of the following systems impacting driver safety: at least one arrangement for assessing a driver's interactions with the vehicle (See paragraph 0035).

As to claims 8, 20, Naboulsi discloses at least one arrangement for assessing a driver's state (drowsiness) comprises at least one arrangement for assessing driver biometrics (See paragraph 0035).

As to claims 9, 21, Naboulsi discloses the communicating arrangement is adapted to assess input from a workload representational surface which conveys an aggregate workload borne by both the driver and the vehicle (See abstract).

As to claims 10, 22, Naboulsi discloses the arrangement for performing operations is adapted to perform at least one of warning a driver (alarm) (See paragraph 0046).

As to claims 11, 23, Naboulsi discloses the arrangement for performing operations is responsive to direction from one or more individuals at one or more locations external to the vehicle (See paragraph 0018).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Basson et al. (U.S. Pub No. 20050137753)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gertrude A. Jeanglaude  
Primary Examiner  
AU 3661

GAJ